

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE BIOPURE CORPORATION  
SECURITIES LITIGATION

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Master Docket No. 1:03-CV-12628 (NG)

Assigned to Judge Nancy Gertner

**ASSENTED-TO MOTION FOR LEAVE TO FILE RESPONSE TO  
PLAINTIFFS' POST-ARGUMENT SUPPLEMENTAL SUBMISSION  
IN SUPPORT OF PLAINTIFFS' MOTION TO AMEND COMPLAINT**

Pursuant to Local Rule 7.1(b)(3), Defendants respectfully request leave to file the attached 5-page Response In Opposition to Plaintiffs' Post-Argument Supplemental Submission in Support of Motion to Amend Complaint.

Plaintiffs' counsel assents to the relief sought herein.

As grounds for this motion, Defendants state that the Plaintiffs' Reply brief contains citation to new factual argument. Defendants submit that their 5-page Response (attached) will serve to clarify these issues and assist the Court in disposition of the Plaintiffs' motion.

March 24, 2006

Respectfully submitted,

**BIOPURE CORPORATION, THOMAS A.  
MOORE, HOWARD P. RICHMAN, RONALD  
RICHARDS, CARL W. RAUSCH, CHARLES  
A. SANDERS AND J. RICHARD CROUT**

By their attorneys,

/s/ Michael D. Blanchard

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**RULE 7.1(A)(2) CERTIFICATION**

I hereby certify that counsel for Defendants conferred with counsel for Plaintiffs in good faith to resolve or narrow the issues presented in this motion. Counsel for Plaintiffs consents to the relief sought by this motion.

/s/ Michael D. Blanchard

Michael D. Blanchard

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above pleading was electronically served upon the attorneys of record for all parties on March 24, 2006.

/s/ Michael D. Blanchard

Michael D. Blanchard